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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,212	09/01/2004	Yu-Hung Sun	LITP0043USA	5211

27765 7590 11/16/2006

NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION  
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MERRIFIELD, VA 22116

EXAMINER
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TRAN, THANG V

ART UNIT	PAPER NUMBER
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2627

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/711,212

Applicant(s)

YU-HUNG SUN

Examiner

Thang V. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 1-25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

***Claim Objections – 37 CFR 1.75(a)***

1. Claims 1-25 are objected to under 37 CFR 1.75(a) for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1:

The claim recites a method for discriminating an optical disk; however, there is no source or step provided in the body of the claim to perform such discriminating function. Accordingly, it is unclear from the claim as to how the optical disk is discriminated based on the information detected, determined or calculated by those steps currently provided in the claim. Apparently, claim 1 is an incomplete claim. Applicant is suggested to include a step of “discriminating an optical disk according to the calculated distances” in order to overcome the above objection.

In claim 9:

Claim 9 is an incomplete claim as for the same reasons applied to claim 1 above. Applicant is suggested to include a step of “discriminating an optical disk according to the calculated distances” in order to overcome the above objection.

In claim 16:

Claim 16 is an incomplete claim as for the same reasons applied to claim 1 above. Applicant is suggested to include steps of “calculating a distance between a detected plastic layer and a detected reflective layer; and discriminating an optical disk according to the calculated distances” in order to overcome the above objection.

Claims 2-8, 10-15 and 17-25 fall with their respective parent claim.

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2. This application is in condition for allowance except for the above matters. Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

***Allowable Subject Matter***

3. Claims 1-25 would be allowable if rewritten (as suggested by the examiner) or amended to overcome the objection(s) to under 37 CFR 1.75(a), set forth in this Office action.

4. Claims 1-25 are allowable over the prior art of record because all of references of the record, viewed as closest prior art and considered alone or in combination, fails to suggest or fairly teach a method for discriminating an optical disk including a combination of all functional steps relatively operated as particularly recited in each of method claims 1, 9 and 16. Claims 2-8, 10-15 and 17-25 are allowable with their respective parent claim.

***Cited References***

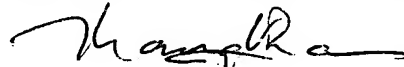
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references relate to a system or method for discriminating an optical disk by using a focusing error signal and/or RF signal to detect a thickness of the disk or a distance between layers of the disk, and the optical disk is discriminated according with the detected thickness or distance.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thang V. Tran whose telephone number is (571) 272-7595. The examiner can normally be reached on M-F 9:30AM-6:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nguyen Hoa can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Thang V. Tran  
Primary Examiner  
Art Unit 2627